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OFFICE OF PETITIONS

In re Application of
Court et al
Application No. 10/692,553
Filed: October 23, 2003
Attorney Docket No.4239-66898
Title of Invention: Enhanced Homologous
Recombination Mediated by Lambda
Recombination Proteins

DECISION DISMISSING
PETITION

This is a decision on the paper titled "Petition For Acceptance of a Declaration Signed by Other Than All The Inventors" filed October 18, 2006 and supplemented on December 8, 2006. This petition is properly treated under 37 CFR § 1.183 waiver of § 1.131's requirement that all of the inventors sign the declaration of prior inventorship.¹

The petition under 37 CFR 1.183 is **Dismissed as Moot**.

The above-identified application was filed on October 23, 2003. Applicants submitted 37 CFR 1.63 declarations on October 23, 2003. A non-final Office action was mailed on February 22, 2006. This office action set a shortened statutory period for reply of three months, with extensions of time obtainable under 37 CFR 1.136(a).

In response, on August 23, 2006 and supplemented on August 28, 2006 (certificate of mailing August 22, 2006), October 18, 2006 and December 8, 2006, applicants

¹ 37 CFR 1.47 only applies when an inventor refuses to sign the original 37 CFR 1.63 oath or declaration.

submitted a response, including a declaration under 37 CFR 1.131. The 37 CFR 1.131 declaration states that all of the inventors were responsible for reduction to practice of the subject matter of the rejected claims prior to the date of the reference on which the February 13, 2003 rejection was based. The 37 CFR 1.131 declaration presented on October 18, 2006 was signed by all of the inventors except Hillary M. Ellis. However in light of the presentation of an executed declaration of inventor Ellis on December 8, 2006, consideration under 37 CFR 1.183 is no longer required.

The application file is being forwarded to Technology Center 1600 for consideration on the merits of the reply and the 37 CFR 1.131 declaration.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, reading "Charlema R. Grant".

Charlema R. Grant

Petitions Attorney

Office of Petitions